

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JERMAINE E. THORPE,

Plaintiff,

v.

SHERIFF MATT LUTZ,

Defendant.

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Case No. 2:23-cv-1788

Chief Judge Algenon L. Marbley

Magistrate Judge Caroline H. Gentry


ORDER

This matter is before this Court on the Magistrate Judge's Report and Recommendation ("R&R") that this Court dismiss Mr. Thorpe's *pro se* action for a writ of habeas corpus. (ECF No. 7). On June 5, 2023, the Magistrate Judge issued a Deficiency Order requiring petitioner to either pay the \$5.00 filing fee or file a motion for leave to proceed without prepayment of fees within thirty (30) days. (ECF No. 3). As of August 2, 2023, Petitioner has failed to comply with this Order, and the R&R recommends dismissal of the action for failure to prosecute and comply with the Deficiency Order. (ECF No. 7). The Petitioner was advised that he had fourteen (14) days to raise any objections, and that failure to object within the applicable time period would result in a waiver of the right to have the district judge review the R&R *de novo*. (*Id.*).

This Court has reviewed the R&R. Noting no objections and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court **ADOPTS** the R&R (ECF No. 7) as this Court's findings of facts and law. This matter is **DISMISSED**.

IT IS SO ORDERED.

DATED: October 4, 2023


ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE